

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5889

Chapter 556, Laws of 2009

61st Legislature
2009 Regular Session

EDUCATION SYSTEM--FLEXIBILITY

EFFECTIVE DATE: 07/26/09

Passed by the Senate April 25, 2009
YEAS 49 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 23, 2009
YEAS 94 NAYS 1

FRANK CHOPP

Speaker of the House of Representatives

Approved May 19, 2009, 10:54 a.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5889** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

May 20, 2009

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5889

AS AMENDED BY THE HOUSE

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By Senate Early Learning & K-12 Education (originally sponsored by Senators Hobbs, McAuliffe, McDermott, and Oemig)

READ FIRST TIME 02/19/09.

1 AN ACT Relating to flexibility in the education system; amending
2 RCW 28A.165.025, 28A.165.045, 28A.210.010, 28A.210.040, 28A.225.005,
3 28A.225.290, 28A.225.300, 28A.230.095, 28A.300.040, 28A.300.525,
4 28A.320.165, 28A.320.180, 28A.600.160, 28A.655.075, 17.21.415,
5 28A.650.015, 28A.210.020, and 28A.655.065; reenacting and amending RCW
6 28A.230.125; repealing RCW 28A.230.092, 28A.230.185, 28A.300.412,
7 28A.600.415, 28A.625.010, 28A.625.020, 28A.625.030, 28A.625.042,
8 28A.625.050, 28A.625.350, 28A.625.360, 28A.625.370, 28A.625.380,
9 28A.625.390, 28A.625.900, 28A.630.045, and 28A.630.881; and providing
10 an expiration date.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

12 **Sec. 1.** RCW 28A.165.025 and 2004 c 20 s 3 are each amended to read
13 as follows:

14 (~~By July 1st of each year,~~) (1) A participating school district
15 shall submit the district's plan for using learning assistance funds to
16 the office of the superintendent of public instruction for approval, to
17 the extent required under subsection (2) of this section. (~~For the~~
18 ~~2004-05 school year, school districts must identify the program~~
19 ~~activities to be implemented from RCW 28A.165.035 and are encouraged to~~

1 ~~implement the elements in subsections (1) through (8) of this section.~~
2 ~~Beginning in the 2005-06 school year,~~) The program plan must identify
3 the program activities to be implemented from RCW 28A.165.035 and
4 implement all of the elements in (~~subsections (1)~~) (a) through
5 (~~(8)~~) (h) of this (~~section~~) subsection. The school district plan
6 shall include the following:

7 ((1)) (a) District and school-level data on reading, writing, and
8 mathematics achievement as reported pursuant to chapter 28A.655 RCW and
9 relevant federal law;

10 ((2)) (b) Processes used for identifying the underachieving
11 students to be served by the program, including the identification of
12 school or program sites providing program activities;

13 ((3)) (c) How accelerated learning plans are developed and
14 implemented for participating students. Accelerated learning plans may
15 be developed as part of existing student achievement plan process such
16 as student plans for achieving state high school graduation standards,
17 individual student academic plans, or the achievement plans for groups
18 of students. Accelerated learning plans shall include:

19 ((a)) (i) Achievement goals for the students;

20 ((b)) (ii) Roles of the student, parents, or guardians and
21 teachers in the plan;

22 ((c)) (iii) Communication procedures regarding student
23 accomplishment; and

24 ((d)) (iv) Plan reviews and adjustments processes;

25 ((4)) (d) How state level and classroom assessments are used to
26 inform instruction;

27 ((5)) (e) How focused and intentional instructional strategies
28 have been identified and implemented;

29 ((6)) (f) How highly qualified instructional staff are developed
30 and supported in the program and in participating schools;

31 ((7)) (g) How other federal, state, district, and school
32 resources are coordinated with school improvement plans and the
33 district's strategic plan to support underachieving students; and

34 ((8)) (h) How a program evaluation will be conducted to determine
35 direction for the following school year.

36 (2) If a school district has received approval of its plan once, it
37 is not required to submit a plan for approval under RCW 28A.165.045 or
38 this section unless the district has made a significant change to the

1 plan. If a district has made a significant change to only a portion of
2 the plan the district need only submit a description of the changes
3 made and not the entire plan. Plans or descriptions of changes to the
4 plan must be submitted by July 1st as required under this section. The
5 office of the superintendent of public instruction shall establish
6 guidelines for what a "significant change" is.

7 **Sec. 2.** RCW 28A.165.045 and 2004 c 20 s 5 are each amended to read
8 as follows:

9 A participating school district shall (~~annually~~) submit a program
10 plan to the office of the superintendent of public instruction for
11 approval to the extent required by RCW 28A.165.025. The program plan
12 must address all of the elements in RCW 28A.165.025 and identify the
13 program activities to be implemented from RCW 28A.165.035.

14 School districts achieving state reading and mathematics goals as
15 prescribed in chapter 28A.655 RCW shall have their program approved
16 once the program plan and activities submittal is completed.

17 School districts not achieving state reading and mathematics goals
18 as prescribed in chapter 28A.655 RCW and that are not in a state or
19 federal program of school improvement shall be subject to program
20 approval once the plan components are reviewed by the office of the
21 superintendent of public instruction for the purpose of receiving
22 technical assistance in the final development of the plan.

23 School districts with one or more schools in a state or federal
24 program of school improvement shall have their plans and activities
25 reviewed and approved in conjunction with the state or federal program
26 school improvement program requirements.

27 **Sec. 3.** RCW 28A.210.010 and 1971 c 32 s 1 are each amended to read
28 as follows:

29 The state board of health, after consultation with the
30 superintendent of public instruction, shall adopt reasonable rules
31 (~~and regulations~~) regarding the presence of persons on or about any
32 school premises who have, or who have been exposed to, contagious
33 diseases deemed by the state board of health as dangerous to the public
34 health. Such rules (~~and regulations~~) shall specify reasonable and
35 precautionary procedures as to such presence and/or readmission of such
36 persons and may include the requirement for a certificate from a

1 licensed physician that there is no danger of contagion. The
2 superintendent of public instruction shall (~~print and distribute the~~)
3 provide to appropriate school officials and personnel, access and
4 notice of these rules (~~and regulations~~) of the state board of health
5 (~~above provided to appropriate school officials and personnel~~).
6 Providing online access to these rules satisfies the requirements of
7 this section. The superintendent of public instruction is required to
8 provide this notice only when there are significant changes to the
9 rules.

10 **Sec. 4.** RCW 28A.210.040 and 1990 c 33 s 189 are each amended to
11 read as follows:

12 The superintendent of public instruction shall (~~print and~~
13 ~~distribute~~) provide access to appropriate school officials the rules
14 (~~and regulations~~) adopted by the state board of health pursuant to
15 RCW 28A.210.020 and the recommended records and forms to be used in
16 making and reporting such screenings. Providing online access to the
17 materials satisfies the requirements of this section.

18 **Sec. 5.** RCW 28A.225.005 and 1992 c 205 s 201 are each amended to
19 read as follows:

20 Each school within a school district shall inform the students and
21 the parents of the students enrolled in the school about the compulsory
22 education requirements under this chapter. The school shall
23 (~~distribute~~) provide access to the information at least annually.
24 Providing online access to the information satisfies the requirements
25 of this section unless a parent or guardian specifically requests
26 information to be provided in written form.

27 **Sec. 6.** RCW 28A.225.290 and 1990 1st ex.s. c 9 s 207 are each
28 amended to read as follows:

29 (1) The superintendent of public instruction shall prepare and
30 annually (~~distribute an~~) provide access to information (~~booklet~~)
31 outlining parents' and guardians' enrollment options for their
32 children. Providing online access to the information satisfies the
33 requirements of this section unless a parent or guardian specifically
34 requests information to be provided in written form.

1 (2) (~~Before the 1991-92 school year, the booklet shall be~~
2 ~~distributed to all school districts by the office of the superintendent~~
3 ~~of public instruction. School districts shall have a copy of the~~
4 ~~information booklet available for public inspection at each school in~~
5 ~~the district, at the district office, and in public libraries)) School
6 districts shall provide access to the information in this section to
7 the public. Providing online access to the information satisfies the
8 requirements of this subsection unless a parent or guardian
9 specifically requests the information be provided in written form.~~

10 (3) The booklet shall include:

11 (a) Information about enrollment options and program opportunities,
12 including but not limited to programs in RCW 28A.225.220, 28A.185.040,
13 28A.225.200 through 28A.225.215, 28A.225.230 through 28A.225.250,
14 28A.175.090, 28A.340.010 through 28A.340.070 (small high school
15 cooperative projects), and 28A.335.160.

16 (b) Information about the running start - community college or
17 vocational-technical institute choice program under RCW 28A.600.300
18 through (~~28A.600.395~~) 28A.600.390; and

19 (c) Information about the seventh and eighth grade choice program
20 under RCW 28A.230.090.

21 **Sec. 7.** RCW 28A.225.300 and 1990 1st ex.s. c 9 s 208 are each
22 amended to read as follows:

23 Each school district board of directors annually shall inform
24 parents of the district's intradistrict and interdistrict enrollment
25 options and parental involvement opportunities. Information on
26 intradistrict enrollment options and interdistrict acceptance policies
27 shall be provided to nonresidents on request. Providing online access
28 to the information satisfies the requirements of this section unless a
29 parent or guardian specifically requests information to be provided in
30 written form.

31 **Sec. 8.** RCW 28A.230.095 and 2006 c 113 s 2 are each amended to
32 read as follows:

33 (1) By the end of the 2008-09 school year, school districts shall
34 have in place in elementary schools, middle schools, and high schools
35 assessments or other strategies chosen by the district to assure that
36 students have an opportunity to learn the essential academic learning

1 requirements in social studies, the arts, and health and fitness.
2 Social studies includes history, geography, civics, economics, and
3 social studies skills. Beginning with the 2008-09 school year, school
4 districts shall annually submit an implementation verification report
5 to the office of the superintendent of public instruction. The office
6 of the superintendent of public instruction may not require school
7 districts to use a classroom-based assessment in social studies, the
8 arts, and health and fitness to meet the requirements of this section
9 and shall clearly communicate to districts their option to use other
10 strategies chosen by the district.

11 (2) Beginning with the 2008-09 school year, school districts shall
12 require students in ((~~the fourth or fifth grades~~ {~~grade~~},)) the seventh
13 or eighth ((~~grades~~ - {~~grade~~}) grade, and the eleventh or twelfth
14 ((~~grades~~ {~~grade~~}) grade to each complete at least one classroom-based
15 assessment in civics. Beginning with the 2010-11 school year, school
16 districts shall require students in the fourth or fifth grade to
17 complete at least one classroom-based assessment in civics. The civics
18 assessment may be selected from a list of classroom-based assessments
19 approved by the office of the superintendent of public instruction.
20 Beginning with the 2008-09 school year, school districts shall annually
21 submit implementation verification reports to the office of the
22 superintendent of public instruction documenting the use of the
23 classroom-based assessments in civics.

24 (3) Verification reports shall require school districts to report
25 only the information necessary to comply with this section.

26 **Sec. 9.** RCW 28A.230.125 and 2006 c 263 s 401 and 2006 c 115 s 6
27 are each reenacted and amended to read as follows:

28 (1) The superintendent of public instruction, in consultation with
29 the higher education coordinating board, the state board for community
30 and technical colleges, and the workforce training and education
31 coordinating board, shall develop for use by all public school
32 districts a standardized high school transcript. The superintendent
33 shall establish clear definitions for the terms "credits" and "hours"
34 so that school programs operating on the quarter, semester, or
35 trimester system can be compared.

36 (2) The standardized high school transcript shall include a

1 notation of whether the student has earned a certificate of individual
2 achievement or a certificate of academic achievement.

3 ~~((3) Transcripts are important documents to students who will
4 apply for admission to postsecondary institutions of higher education.
5 Transcripts are also important to students who will seek employment
6 upon or prior to graduation from high school. It is recognized that
7 student transcripts may be the only record available to employers in
8 their decision making processes regarding prospective employees. The
9 superintendent of public instruction shall require school districts to
10 inform annually all high school students that prospective employers may
11 request to see transcripts and that the prospective employee's decision
12 to release transcripts can be an important part of the process of
13 applying for employment.))~~

14 **Sec. 10.** RCW 28A.300.040 and 2006 c 263 s 104 are each amended to
15 read as follows:

16 In addition to any other powers and duties as provided by law, the
17 powers and duties of the superintendent of public instruction shall be:

18 (1) To have supervision over all matters pertaining to the public
19 schools of the state;

20 (2) To report to the governor and the legislature such information
21 and data as may be required for the management and improvement of the
22 schools;

23 (3) To prepare and have printed such forms, registers, courses of
24 study, rules for the government of the common schools, and such other
25 material and books as may be necessary for the discharge of the duties
26 of teachers and officials charged with the administration of the laws
27 relating to the common schools, and to distribute the same to
28 educational service district superintendents;

29 (4) To travel, without neglecting his or her other official duties
30 as superintendent of public instruction, for the purpose of attending
31 educational meetings or conventions, of visiting schools, and of
32 consulting educational service district superintendents or other school
33 officials;

34 (5) To prepare and from time to time to revise a manual of the
35 Washington state common school code, copies of which shall be
36 ~~((provided in such numbers as determined by the superintendent of
37 public instruction at no cost to those public agencies within the~~

1 ~~common school system~~) made available online and which shall be sold at
2 approximate actual cost of publication and distribution per volume to
3 (~~all other~~) public and nonpublic agencies or individuals, said manual
4 to contain Titles 28A and 28C RCW, rules related to the common schools,
5 and such other matter as the state superintendent or the state board of
6 education shall determine. Proceeds of the sale of such code shall be
7 transmitted to the public printer who shall credit the state
8 superintendent's account within the state printing plant revolving fund
9 by a like amount;

10 (6) To file all papers, reports and public documents transmitted to
11 the superintendent by the school officials of the several counties or
12 districts of the state, each year separately. Copies of all papers
13 filed in the superintendent's office, and the superintendent's official
14 acts, may, or upon request, shall be certified by the superintendent
15 and attested by the superintendent's official seal, and when so
16 certified shall be evidence of the papers or acts so certified to;

17 (7) To require annually, on or before the 15th day of August, of
18 the president, manager, or principal of every educational institution
19 in this state, a report as required by the superintendent of public
20 instruction; and it is the duty of every president, manager, or
21 principal, to complete and return such forms within such time as the
22 superintendent of public instruction shall direct;

23 (8) To keep in the superintendent's office a record of all teachers
24 receiving certificates to teach in the common schools of this state;

25 (9) To issue certificates as provided by law;

26 (10) To keep in the superintendent's office at the capital of the
27 state, all books and papers pertaining to the business of the
28 superintendent's office, and to keep and preserve in the
29 superintendent's office a complete record of statistics, as well as a
30 record of the meetings of the state board of education;

31 (11) With the assistance of the office of the attorney general, to
32 decide all points of law which may be submitted to the superintendent
33 in writing by any educational service district superintendent, or that
34 may be submitted to the superintendent by any other person, upon appeal
35 from the decision of any educational service district superintendent;
36 and the superintendent shall publish his or her rulings and decisions
37 from time to time for the information of school officials and teachers;

1 and the superintendent's decision shall be final unless set aside by a
2 court of competent jurisdiction;

3 (12) To administer oaths and affirmations in the discharge of the
4 superintendent's official duties;

5 (13) To deliver to his or her successor, at the expiration of the
6 superintendent's term of office, all records, books, maps, documents
7 and papers of whatever kind belonging to the superintendent's office or
8 which may have been received by the superintendent's for the use of the
9 superintendent's office;

10 (14) To administer family services and programs to promote the
11 state's policy as provided in RCW 74.14A.025;

12 (15) To promote the adoption of school-based curricula and policies
13 that provide quality, daily physical education for all students, and to
14 encourage policies that provide all students with opportunities for
15 physical activity outside of formal physical education classes;

16 (16) To perform such other duties as may be required by law.

17 **Sec. 11.** RCW 28A.300.525 and 2008 c 297 s 2 are each amended to
18 read as follows:

19 (1) The superintendent of public instruction shall provide an
20 annual aggregate report to the legislature on the educational
21 experiences and progress of students in children's administration out-
22 of-home care. This data should be disaggregated in the smallest units
23 allowable by law that do not identify an individual student, in order
24 to learn which school districts are experiencing the greatest success
25 and challenges in achieving quality educational outcomes with students
26 in children's administration out-of-home care.

27 (2) This section is suspended until July 1, 2011.

28 **Sec. 12.** RCW 28A.320.165 and 2001 c 333 s 4 are each amended to
29 read as follows:

30 Schools as defined in RCW 17.21.415 shall provide notice of
31 pesticide use to parents or guardians of students and employees
32 pursuant to chapter 17.21 RCW, upon the request of the parent or
33 guardian.

34 **Sec. 13.** RCW 28A.320.180 and 2007 c 396 s 11 are each amended to
35 read as follows:

1 (1) Subject to funding appropriated for this purpose and beginning
2 in the fall of 2009, school districts shall provide all high school
3 students enrolled in the district the option of taking the mathematics
4 college readiness test developed under RCW 28B.10.679 once at no cost
5 to the students. Districts shall encourage, but not require, students
6 to take the test in their junior or senior year of high school.

7 (2) Subject to funding appropriated for this purpose, the office of
8 the superintendent of public instruction shall reimburse each district
9 for the costs incurred by the district in providing students the
10 opportunity to take the mathematics placement test.

11 (3) This section is suspended until July 1, 2011.

12 **Sec. 14.** RCW 28A.600.160 and 1998 c 225 s 2 are each amended to
13 read as follows:

14 Any middle school, junior high school, or high school using
15 educational pathways shall ensure that all participating students will
16 continue to have access to the courses and instruction necessary to
17 meet admission requirements at baccalaureate institutions. Students
18 shall be allowed to enter the educational pathway of their choice.
19 Before accepting a student into an educational pathway, the school
20 shall inform the student's parent of the pathway chosen, the
21 opportunities available to the student through the pathway, and the
22 career objectives the student will have exposure to while pursuing the
23 pathway. Providing online access to the information satisfies the
24 requirements of this section unless a parent or guardian specifically
25 request information to be provided in written form. Parents and
26 students dissatisfied with the opportunities available through the
27 selected educational pathway shall be provided with the opportunity to
28 transfer the student to any other pathway provided in the school.
29 Schools may not develop educational pathways that retain students in
30 high school beyond the date they are eligible to graduate, and may not
31 require students who transfer between pathways to complete pathway
32 requirements beyond the date the student is eligible to graduate.
33 Educational pathways may include, but are not limited to, programs such
34 as work-based learning, (~~(school-to-work-transition)~~) tech prep,
35 (~~(vocational-technical)~~) career and technical education, running start,
36 and preparation for technical college, community college, or university
37 education.

1 **Sec. 15.** RCW 28A.655.075 and 2007 c 396 s 16 are each amended to
2 read as follows:

3 (1) Within funds specifically appropriated therefor, by December 1,
4 2008, the superintendent of public instruction shall develop essential
5 academic learning requirements and grade level expectations for
6 educational technology literacy and technology fluency that identify
7 the knowledge and skills that all public school students need to know
8 and be able to do in the areas of technology and technology literacy.
9 The development process shall include a review of current standards
10 that have been developed or are used by other states and national and
11 international technology associations. To the maximum extent possible,
12 the superintendent shall integrate goal four and the knowledge and
13 skill areas in the other goals in the technology essential academic
14 learning requirements.

15 (a) As used in this section, "technology literacy" means the
16 ability to responsibly, creatively, and effectively use appropriate
17 technology to communicate; access, collect, manage, integrate, and
18 evaluate information; solve problems and create solutions; build and
19 share knowledge; and improve and enhance learning in all subject areas
20 and experiences.

21 (b) Technology fluency builds upon technology literacy and is
22 demonstrated when students: Apply technology to real-world
23 experiences; adapt to changing technologies; modify current and create
24 new technologies; and personalize technology to meet personal needs,
25 interests, and learning styles.

26 (2)(a) Within funds specifically appropriated therefor, the
27 superintendent shall obtain or develop education technology assessments
28 that may be administered in the elementary, middle, and high school
29 grades to assess the essential academic learning requirements for
30 technology. The assessments shall be designed to be classroom or
31 project-based so that they can be embedded in classroom instruction and
32 be administered and scored by school staff throughout the regular
33 school year using consistent scoring criteria and procedures. By the
34 2010-11 school year, these assessments shall be made available to
35 school districts for the districts' voluntary use. If a school
36 district uses the assessments created under this section, then the
37 school district shall notify the superintendent of public instruction

1 of the use. The superintendent shall report annually to the
2 legislature on the number of school districts that use the assessments
3 each school year.

4 (b) Beginning December 1, 2010, and annually thereafter, the
5 superintendent of public instruction shall provide a report to the
6 relevant legislative committees regarding the use of the assessments.

7 (3) This section is suspended until July 1, 2011.

8 **Sec. 16.** RCW 17.21.415 and 2001 c 333 s 3 are each amended to read
9 as follows:

10 (1) As used in this section, "school" means a licensed day care
11 center or a public kindergarten or a public elementary or secondary
12 school.

13 (2) A school shall provide written notification (~~(annually or upon~~
14 ~~enrollment)~~), upon request, to parents or guardians of students and
15 employees describing the school's pest control policies and methods,
16 including the posting and notification requirements of this section.

17 (3) A school shall establish a notification system that, as a
18 minimum, notifies interested parents or guardians of students and
19 employees at least forty-eight hours before a pesticide application to
20 a school facility. The notification system shall include posting of
21 the notification in a prominent place in the main office of the school.

22 (4) All notifications to parents, guardians, and employees shall
23 include the heading "Notice: Pesticide Application" and, at a minimum,
24 shall state:

- 25 (a) The product name of the pesticide to be applied;
- 26 (b) The intended date and time of application;
- 27 (c) The location to which the pesticide is to be applied;
- 28 (d) The pest to be controlled; and
- 29 (e) The name and phone number of a contact person at the school.

30 (5) A school facility application must be made within forty-eight
31 hours following the intended date and time stated in the notification
32 or the notification process shall be repeated.

33 (6) A school shall, at the time of application, post notification
34 signs for all pesticide applications made to school facilities unless
35 the application is otherwise required to be posted by a certified
36 applicator under the provisions of RCW 17.21.410(1)(d).

1 (a) Notification signs for applications made to school grounds by
2 school employees shall be placed at the location of the application and
3 at each primary point of entry to the school grounds. The signs shall
4 be a minimum of four inches by five inches and shall include the words:
5 "THIS LANDSCAPE HAS BEEN RECENTLY SPRAYED OR TREATED WITH PESTICIDES BY
6 YOUR SCHOOL" as the headline and "FOR MORE INFORMATION PLEASE CALL" as
7 the footer. The footer shall provide the name and telephone number of
8 a contact person at the school.

9 (b) Notification signs for applications made to school facilities
10 other than school grounds shall be posted at the location of the
11 application. The signs shall be a minimum of eight and one-half by
12 eleven inches and shall include the heading "Notice: Pesticide
13 Application" and, at a minimum, shall state:

14 (i) The product name of the pesticide applied;

15 (ii) The date and time of application;

16 (iii) The location to which the pesticide was applied;

17 (iv) The pest to be controlled; and

18 (v) The name and phone number of a contact person at the school.

19 (c) Notification signs shall be printed in colors contrasting to
20 the background.

21 (d) Notification signs shall remain in place for at least
22 twenty-four hours from the time the application is completed. In the
23 event the pesticide label requires a restricted entry interval greater
24 than twenty-four hours, the notification sign shall remain in place
25 consistent with the restricted entry interval time as required by the
26 label.

27 (7) A school facility application does not include the application
28 of antimicrobial pesticides or the placement of insect or rodent baits
29 that are not accessible to children.

30 (8) The prenotification requirements of this section do not apply
31 if the school facility application is made when the school is not
32 occupied by students for at least two consecutive days after the
33 application.

34 (9) The prenotification requirements of this section do not apply
35 to any emergency school facility application for control of any pest
36 that poses an immediate human health or safety threat, such as an
37 application to control stinging insects. When an emergency school
38 facility application is made, notification consistent with the school's

1 notification system shall occur as soon as possible after the
2 application. The notification shall include information consistent
3 with subsection (6)(b) of this section.

4 (10) A school shall make the records of all pesticide applications
5 to school facilities required under this chapter, including an annual
6 summary of the records, readily accessible to interested persons.

7 (11) A school is not liable for the removal of signs by
8 unauthorized persons. A school that complies with this section may not
9 be held liable for personal property damage or bodily injury resulting
10 from signs that are placed as required.

11 **Sec. 17.** RCW 28A.650.015 and 2006 c 263 s 917 are each amended to
12 read as follows:

13 (1) The superintendent of public instruction, to the extent funds
14 are appropriated, shall develop and implement a Washington state K-12
15 education technology plan. The technology plan shall be updated on at
16 least a biennial basis, shall be developed to coordinate and expand the
17 use of education technology in the common schools of the state. The
18 plan shall be consistent with applicable provisions of chapter 43.105
19 RCW. The plan, at a minimum, shall address:

20 (a) The provision of technical assistance to schools and school
21 districts for the planning, implementation, and training of staff in
22 the use of technology in curricular and administrative functions;

23 (b) The continued development of a network to connect school
24 districts, institutions of higher learning, and other sources of online
25 information; and

26 (c) Methods to equitably increase the use of education technology
27 by students and school personnel throughout the state.

28 (2) The superintendent of public instruction shall appoint an
29 educational technology advisory committee to assist in the development
30 and implementation of the technology plan in subsection (1) of this
31 section. The committee shall include, but is not limited to, persons
32 representing: The department of information services, educational
33 service districts, school directors, school administrators, school
34 principals, teachers, classified staff, higher education faculty,
35 parents, students, business, labor, scientists and mathematicians, the
36 higher education coordinating board, the workforce training and
37 education coordinating board, and the state library.

1 (3) The plan adopted and implemented under this section may not
2 impose on school districts any requirements that are not specifically
3 required by federal law or regulation, including requirements to
4 maintain eligibility for the federal schools and libraries program of
5 the universal service fund.

6 **Sec. 18.** RCW 28A.210.020 and 1971 c 32 s 2 are each amended to
7 read as follows:

8 Every board of school directors shall have the power, and it shall
9 be its duty to provide for and require screening for the visual and
10 auditory acuity of all children attending schools in their districts to
11 ascertain which if any of such children have defects sufficient to
12 retard them in their studies. Auditory and visual screening shall be
13 made in accordance with procedures and standards adopted by rule or
14 regulation of the state board of health. Prior to the adoption or
15 revision of such rules or regulations the state board of health shall
16 seek the recommendations of the superintendent of public instruction
17 regarding the administration of visual and auditory screening and the
18 qualifications of persons competent to administer such screening.
19 Persons performing visual screening may include, but are not limited
20 to, ophthalmologists, optometrists, or opticians who donate their
21 professional services to schools or school districts. If a vision
22 professional who donates his or her services identifies a vision defect
23 sufficient to affect a student's learning, the vision professional must
24 notify the school nurse and/or the school principal in writing and may
25 not contact the student's parents or guardians directly. A school
26 official shall inform parents or guardians of students in writing that
27 a visual examination was recommended, but may not communicate the name
28 or contact information of the vision professional conducting the
29 screening.

30 **Sec. 19.** RCW 28A.655.065 and 2008 c 170 s 205 are each amended to
31 read as follows:

32 (1) The legislature has made a commitment to rigorous academic
33 standards for receipt of a high school diploma. The primary way that
34 students will demonstrate that they meet the standards in reading,
35 writing, mathematics, and science is through the Washington assessment
36 of student learning. Only objective assessments that are comparable in

1 rigor to the state assessment are authorized as an alternative
2 assessment. Before seeking an alternative assessment, the legislature
3 expects students to make a genuine effort to meet state standards,
4 through regular and consistent attendance at school and participation
5 in extended learning and other assistance programs.

6 (2) Under RCW 28A.655.061, beginning in the 2006-07 school year,
7 the superintendent of public instruction shall implement objective
8 alternative assessment methods as provided in this section for students
9 to demonstrate achievement of the state standards in content areas in
10 which the student has not yet met the standard on the high school
11 Washington assessment of student learning. A student may access an
12 alternative if the student meets applicable eligibility criteria in RCW
13 28A.655.061 and this section and other eligibility criteria established
14 by the superintendent of public instruction, including but not limited
15 to attendance criteria and participation in the remediation or
16 supplemental instruction contained in the student learning plan
17 developed under RCW 28A.655.061. A school district may waive
18 attendance and/or remediation criteria for special, unavoidable
19 circumstances.

20 (3) For the purposes of this section, "applicant" means a student
21 seeking to use one of the alternative assessment methods in this
22 section.

23 (4) One alternative assessment method shall be a combination of the
24 applicant's grades in applicable courses and the applicant's highest
25 score on the high school Washington assessment of student learning, as
26 provided in this subsection. A student is eligible to apply for the
27 alternative assessment method under this subsection (4) if the student
28 has a cumulative grade point average of at least 3.2 on a four point
29 grading scale. The superintendent of public instruction shall
30 determine which high school courses are applicable to the alternative
31 assessment method and shall issue guidelines to school districts.

32 (a) Using guidelines prepared by the superintendent of public
33 instruction, a school district shall identify the group of students in
34 the same school as the applicant who took the same high school courses
35 as the applicant in the applicable content area. From the group of
36 students identified in this manner, the district shall select the
37 comparison cohort that shall be those students who met or slightly

1 exceeded the state standard on the Washington assessment of student
2 learning.

3 (b) The district shall compare the applicant's grades in high
4 school courses in the applicable content area to the grades of students
5 in the comparison cohort for the same high school courses. If the
6 applicant's grades are equal to or above the mean grades of the
7 comparison cohort, the applicant shall be deemed to have met the state
8 standard on the alternative assessment.

9 (c) An applicant may not use the alternative assessment under this
10 subsection (4) if there are fewer than six students in the comparison
11 cohort.

12 (5) The superintendent of public instruction shall develop an
13 alternative assessment method that shall be an evaluation of a
14 collection of work samples prepared and submitted by the applicant.
15 Effective September 1, 2009, collection of work samples may be
16 submitted only in content areas where meeting the state standard on the
17 high school assessment is required for purposes of graduation.

18 (a) The superintendent of public instruction shall develop
19 guidelines for the types and number of work samples in each content
20 area that may be submitted as a collection of evidence that the
21 applicant has met the state standard in that content area. Work
22 samples may be collected from academic, career and technical, or
23 remedial courses and may include performance tasks as well as written
24 products. The superintendent shall submit the guidelines for approval
25 by the state board of education.

26 (b) The superintendent shall develop protocols for submission of
27 the collection of work samples that include affidavits from the
28 applicant's teachers and school district that the samples are the work
29 of the applicant and a requirement that a portion of the samples be
30 prepared under the direct supervision of a classroom teacher. The
31 superintendent shall submit the protocols for approval by the state
32 board of education.

33 (c) The superintendent shall develop uniform scoring criteria for
34 evaluating the collection of work samples and submit the scoring
35 criteria for approval by the state board of education. Collections
36 shall be scored at the state level or regionally by a panel of
37 educators selected and trained by the superintendent to ensure
38 objectivity, reliability, and rigor in the evaluation. An educator may

1 not score work samples submitted by applicants from the educator's
2 school district. If the panel awards an applicant's collection of work
3 samples the minimum required score, the applicant shall be deemed to
4 have met the state standard on the alternative assessment.

5 (d) Using an open and public process that includes consultation
6 with district superintendents, school principals, and other educators,
7 the state board of education shall consider the guidelines, protocols,
8 scoring criteria, and other information regarding the collection of
9 work samples submitted by the superintendent of public instruction.
10 The collection of work samples may be implemented as an alternative
11 assessment after the state board of education has approved the
12 guidelines, protocols, and scoring criteria and determined that the
13 collection of work samples: (i) Will meet professionally accepted
14 standards for a valid and reliable measure of the grade level
15 expectations and the essential academic learning requirements; and (ii)
16 is comparable to or exceeds the rigor of the skills and knowledge that
17 a student must demonstrate on the Washington assessment of student
18 learning in the applicable content area. The state board shall make an
19 approval decision and determination no later than December 1, 2006, and
20 thereafter may increase the required rigor of the collection of work
21 samples.

22 (e) By September of 2006, the superintendent of public instruction
23 shall develop informational materials for parents, teachers, and
24 students regarding the collection of work samples and the status of its
25 development as an alternative assessment method. The materials shall
26 provide specific guidance regarding the type and number of work samples
27 likely to be required, include examples of work that meets the state
28 learning standards, and describe the scoring criteria and process for
29 the collection. The materials shall also encourage students in the
30 graduating class of 2008 to begin creating a collection if they believe
31 they may seek to use the collection once it is implemented as an
32 alternative assessment.

33 (6)(a) For students enrolled in a career and technical education
34 program approved under RCW 28A.700.030, the superintendent of public
35 instruction shall develop additional guidelines for collections of work
36 samples that are tailored to different career and technical programs.
37 The additional guidelines shall:

1 (i) Provide multiple examples of work samples that are related to
2 the particular career and technical program;

3 (ii) Permit work samples based on completed activities or projects
4 where demonstration of academic knowledge is inferred; and

5 (iii) Provide multiple examples of work samples drawn from career
6 and technical courses.

7 (b) The purpose of the additional guidelines is to provide a clear
8 pathway toward a certificate of academic achievement for career and
9 technical students by showing them applied and relevant opportunities
10 to demonstrate their knowledge and skills, and to provide guidance to
11 teachers in integrating academic and career and technical instruction
12 and assessment and assisting career and technical students in compiling
13 a collection. The superintendent of public instruction shall develop
14 and disseminate additional guidelines for no fewer than ten career and
15 technical education programs representing a variety of program
16 offerings by no later than September 1, 2008. Guidelines for ten
17 additional programs shall be developed and disseminated no later than
18 June 1, 2009.

19 (c) The superintendent shall consult with community and technical
20 colleges, employers, the workforce training and education coordinating
21 board, apprenticeship programs, and other regional and national experts
22 in career and technical education to create appropriate guidelines and
23 examples of work samples and other evidence of a career and technical
24 student's knowledge and skills on the state academic standards.

25 (7) The superintendent of public instruction shall study the
26 feasibility of using existing mathematics assessments in languages
27 other than English as an additional alternative assessment option. The
28 study shall include an estimation of the cost of translating the tenth
29 grade mathematics assessment into other languages and scoring the
30 assessments should they be implemented.

31 (8) The superintendent of public instruction shall implement:

32 (a) By June 1, 2006, a process for students to appeal the score
33 they received on the high school assessments; and

34 (b) By January 1, 2007, guidelines and appeal processes for waiving
35 specific requirements in RCW 28A.655.061 pertaining to the certificate
36 of academic achievement and to the certificate of individual
37 achievement for students who: (i) Transfer to a Washington public

1 school in their junior or senior year with the intent of obtaining a
2 public high school diploma, or (ii) have special, unavoidable
3 circumstances.

4 (9) The state board of education shall examine opportunities for
5 additional alternative assessments, including the possible use of one
6 or more standardized norm-referenced student achievement tests and the
7 possible use of the reading, writing, or mathematics portions of the
8 ACT ASSET and ACT COMPASS test instruments as objective alternative
9 assessments for demonstrating that a student has met the state
10 standards for the certificate of academic achievement. The state board
11 shall submit its findings and recommendations to the education
12 committees of the legislature by January 10, 2008.

13 (10) The superintendent of public instruction shall adopt rules to
14 implement this section.

15 NEW SECTION. **Sec. 20.** The following acts or parts of acts, as now
16 existing or hereafter amended, are each repealed:

17 (1) RCW 28A.230.092 (Washington state history and government--
18 Course content) and 2008 c 190 s 2;

19 (2) RCW 28A.230.185 (Family preservation education program) and
20 2005 c 491 s 2;

21 (3) RCW 28A.300.412 (Washington civil liberties public education
22 program--Report) and 2000 c 210 s 6;

23 (4) RCW 28A.600.415 (Alternatives to suspension--Community service
24 encouraged--Information provided to school districts) and 1992 c 155 s
25 2;

26 (5) RCW 28A.625.010 (Short title) and 1995 c 335 s 107, 1990 c 33
27 s 513, & 1986 c 147 s 1;

28 (6) RCW 28A.625.020 (Recipients--Awards) and 1991 c 255 s 1;

29 (7) RCW 28A.625.030 (Washington State Christa McAuliffe award for
30 teachers) and 1991 c 255 s 2 & 1986 c 147 s 3;

31 (8) RCW 28A.625.042 (Certificates--Recognition awards) and 1994 c
32 279 s 4;

33 (9) RCW 28A.625.050 (Rules) and 1995 c 335 s 108, 1991 c 255 s 8,
34 1990 c 33 s 516, 1988 c 251 s 2, & 1986 c 147 s 5;

35 (10) RCW 28A.625.350 (Short title) and 1990 1st ex.s. c 10 s 1;

36 (11) RCW 28A.625.360 (Excellence in teacher preparation award) and
37 2006 c 263 s 804 & 1990 1st ex.s. c 10 s 2;

1 (12) RCW 28A.625.370 (Award for teacher educator) and 2006 c 263 s
2 820 & 1990 1st ex.s. c 10 s 3;

3 (13) RCW 28A.625.380 (Rules) and 2006 c 263 s 821 & 1990 1st ex.s.
4 c 10 s 4;

5 (14) RCW 28A.625.390 (Educational grant--Eligibility--Award) and
6 2006 c 263 s 822 & 1990 1st ex.s. c 10 s 5;

7 (15) RCW 28A.625.900 (Severability--1990 1st ex.s. c 10) and 1990
8 1st ex.s. c 10 s 10;

9 (16) RCW 28A.630.045 (Local control and flexibility in
10 assessments--Pilot project) and 2006 c 175 s 1; and

11 (17) RCW 28A.630.881 (School-to-work transition project--Findings--
12 Intent--Outreach--Technical assistance) and 1997 c 58 s 304.

13 NEW SECTION. **Sec. 21.** Sections 11, 13, and 15 of this act expire
14 July 1, 2011.

Passed by the Senate April 25, 2009.

Passed by the House April 23, 2009.

Approved by the Governor May 19, 2009.

Filed in Office of Secretary of State May 20, 2009.